

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:09-CR-70-BO-2


RODOLFO ORDUNA BETANZO,)
)
 Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
 Respondent.)

ORDER AND NOTICE

Notice is hereby given to the petitioner, Rodolfo Orduna Betanzo, that the Court intends to construe his letter dated November 28, 2012 [DE 118] as a motion to vacate, set aside, or correct a sentence pursuant to 28 U.S.C. § 2255. In his letter, petitioner complains that his attorney mishandled his sentencing in that she failed to argue for a two point reduction to his applicable sentencing guideline calculation for acceptance of responsibility. He asks the Court to now allow a two point reduction and to resentence him. The Court GRANTS petitioner 30 (thirty) days from the filing of this notice to confirm or deny his intent to file a motion to vacate, set aside, or correct a sentence pursuant to 28 U.S.C. § 2255. If a response is not filed within this time, this Court will presume that petitioner is not seeking such relief and this action will be dismissed. Should the petitioner notify this Court of his intention to file a motion to vacate, set aside, or correct a sentence pursuant to 28 U.S.C. § 2255, the Clerk of Court is DIRECTED to provide petitioner with the appropriate forms on which to file such a motion.

The court further warns the petitioner of the effects of filing a motion pursuant to section 2255, and advises him as to the requirements of section 2255. *See Castro v. United States*, 540 U.S. 375, 377, 383 (2003); *see also United States v. Emmanuel*, 288 F.3d 644, 649 (4th Cir. 2002).

SO ORDERED,
this 14 day of March, 2014.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE